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7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**

9 TREMAINE CARROLL,  
10

11 Plaintiff,

12 v.

13 CDCR, et al.,

14 Defendants.

Case No. 1:23-cv-00005-JLT-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DIRECTING  
PLAINTIFF TO PAY THE FILING FEE  
WITHIN FORTY-FIVE DAYS, AND  
DIRECTING ACTION PROCEED ONLY AS  
TO PLAINTIFF TREMAINE CARROLL

(Doc. 7)

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16 Tremain Carroll is proceeding *pro se* in this civil rights action filed pursuant to 42  
17 U.S.C. § 1983.

18 The assigned magistrate judge issued Findings and Recommendations addressing  
19 Plaintiff's motion to proceed *in forma pauperis*. (Doc. 7.) The magistrate judge found that  
20 plaintiff has sufficient funds in her prison trust account to pay the \$402.00 filing fee. (*Id.* at 2.)  
21 Therefore, the magistrate judge recommended Plaintiff be required to pay the filing fee to  
22 proceed with this action. (*Id.* at 2-3.) The magistrate judge also recommended severing Plaintiff's  
23 claims from the several other plaintiffs who are listed in the caption of the complaint because "an  
24 action brought by multiple inmate plaintiffs proceeding *pro se* presents procedural problems that  
25 cause delay and confusion." (*Id.* at 3.) The findings and recommendations indicated that the  
26 other named plaintiffs are free to file separate lawsuits. (*Id.*)

27 Plaintiff filed objections on January 18, 2023, stating she objects to denial of *in forma*  
28 *pauperis* but agrees to pay the filing fee. (Doc. 8 at 1.) Plaintiff also objects to dismissing all

1 other plaintiffs, besides herself. (*Id.* at 2-4.)

2 According to the provisions of 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo*  
3 review of this case. Having carefully reviewed the entire file, the Court finds the findings and  
4 recommendations to be supported by the record and proper analysis. Accordingly, the Court

5 **ORDERS:**

- 6 1. The Findings and Recommendations issued on January 10, 2023 (Doc. 7), are  
7 **ADOPTED IN FULL.**
- 8 2. This action shall proceed only as to plaintiff Tremaine Carroll, and all other  
9 plaintiffs are **DISMISSED FROM THE ACTION WITHOUT PREJUDICE.**
- 10 3. Within **45 days** following the date of service of this order, Plaintiff shall pay the  
11 \$402.00 filing fee in full to proceed with this action.

12 If Plaintiff fails to pay the filing fee within the specified time, this action will be  
13 dismissed without prejudice without further notice.

14  
15 IT IS SO ORDERED.

16 Dated: **January 25, 2023**

  
UNITED STATES DISTRICT JUDGE